



Department of Energy  
Washington, DC 20585

SEP 20 2019

Mr. Austin R. Evers  
American Oversight  
1030 15<sup>th</sup> Street, NW  
Suite B255  
Washington, DC 20005

Via email: [foia@americanoversight.org](mailto:foia@americanoversight.org)

Re: HQ-2019-01272-F

Dear Mr. Evers:

This is the final response to the request for information that you sent to the Department of Energy (DOE) under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. You requested the following:

All communications (including emails, email attachments, and calendar invitations) between (a) Secretary Rick Perry (or anyone communicating on his behalf, such as a scheduler or assistant, including Stanley Gerdes) or Chief of Staff Brian McCormack, and (b) any of the individuals and entities listed below:

- a. Energy Transfer Partners, including any person communicating from an email address ending in @energytransfer.com;
- b. Sunoco Logistics Partners, including any person communicating from an email address ending in @sunocologistics.com;
- c. Kelcy Warren;
- d. Aux Initiatives, including any person communicating from an email address ending in @auxwdc.com;
- e. Owen Evans Ingols, including any person communicating from an email address ending in @owendc.com.

Please provide all responsive records from March 2, 2017, through the date of your search.

In a phone call with Lars Hydle of my office, confirmed via email on August 23, 2019, you agreed to amend your request to limit the search to an outlook mailbox search of Secretary Perry, Stanley Gerdes, and Brian McCormack with the following terms in the "to" or "from" or "cc" or "bcc" fields:

- a) "@energytransfer.com"
- b) "@sunocologistics.com"



- c) "Kelcy Warren"
- d) "Warren, Kelcy"
- e) "@auxwdc.com"
- d) "Owen Evans Ingols"
- e) "@owendc.com"

Date Range: March 2, 2017 to date of search.

In addition, you also agreed waive news clips or newsletters without commentary and to waive the portion of your request that asked for a search of "hard-copy files, correspondence files, appropriate locations on hard drives and shared drives, text messages or other direct messaging systems (such as iMessage, WhatsApp, Signal, or Twitter direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack."

Your request was assigned to DOE's Office of the Executive Secretariat (ES) to conduct a search of its files for responsive documents. ES started its search on August 28, 2019, which is the cut-off date for responsive documents. ES has completed its search but did not locate any documents responsive to your request.

Therefore, pursuant to Title 10, Code of Federal Regulations (C.F.R.) § 1004.4(d), I am unable to provide any responsive documents for ES. Pursuant to 10 C.F.R. § 1004.7(b)(2), I am responsible for the determination that no responsive records exist in ES.

The adequacy of the search may be appealed within 90 calendar days from your receipt of this letter pursuant to 10 C.F.R. § 1004.8. Appeals should be addressed to Director, Office of Hearings and Appeals, HG-1, L'Enfant Plaza, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585-1615. The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. You may also submit your appeal by e-mail to [OHA.filings@hq.doe.gov](mailto:OHA.filings@hq.doe.gov), including the phrase "Freedom of Information Appeal" in the subject line (this is the method preferred by the Office of Hearings and Appeals). The appeal must contain all the elements required by 10 C.F.R. § 1004.8, including a copy of the determination letter. Thereafter, judicial review will be available to you in the Federal District Court either (1) in the district where you reside, (2) where you have your principal place of business, (3) where DOE's records are situated, or (4) in the District of Columbia.

You may contact DOE's FOIA Public Liaison, Alexander Morris, FOIA Officer, Office of Public Information, at 202-586-5955, or by mail at MA-46 Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

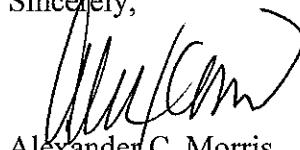
The FOIA provides for the assessment of fees for the processing of requests. *See* 5 U.S.C. § 552(a)(4)(A)(i); *see also* 10 C.F.R. § 1004.9(a). In our August 22, 2019 letter, you were informed that your request had been placed in the “other” category for fee purposes. Requesters in this category are entitled to two (2) free hours of search time and are provided 100 pages at no cost. In that same letter, DOE informed you that your fee waiver request was granted. Thus, no fees will be charged for processing your request.

If you have any questions about the processing of the request or this letter, you may contact me or Lars Hyde in this office at:

MA-46/Forrestal Building  
1000 Independence Avenue, S.W.  
Washington, D.C. 20585  
(202) 287-6730

I appreciate the opportunity to assist you with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alex C. Morris', is written over the printed name.

Alexander C. Morris  
FOIA Officer  
Office of Public Information